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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/667,036      | 09/22/2003  | Jeyhan Karaoguz      | 14967US02           | 7866             |

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EXAMINER

HAMILTON, LALITA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3691

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |  |  |
|------------------------------|---------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/667,036  | <b>Applicant(s)</b><br>KARAOGUZ ET AL. |  |
|                              | <b>Examiner</b><br>Lalita M. Hamilton | <b>Art Unit</b><br>3691                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Summary**

On April 20, 2006, an Office Action was sent to the Applicant rejecting claims 1-28. On July 20, 2006, the Applicant responded by adding new claims 29-39.

### ***Election/Restrictions***

Newly submitted claims 29-39 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 1-28 are drawn to a system for providing billing support and securing payment for delivery of media. Claims 29-39 are drawn to a communication channel for selecting media content for consumption for times scheduled by a first user.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-39 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-28 are rejected under 35 U.S.C. 102(a) as being anticipated by Nel (2002/0042778), as set forth in the previous Office Action.

***Response to Arguments***

Applicant's arguments filed July 20, 2006 have been fully considered but they are not persuasive.

The Applicant argues that Nel does not disclose a user interface having at least one user defined media channel where the at least one user defined media channel comprises a sequence of user selected and scheduled media; Nel is silent with respect to sequences of user-selected media, and scheduling media by a user; Nel does not disclose a server software that responds to a request by coordinating delivery of media from at least one server at a second network protocol address; and Nel does not disclose delivery of media storage for consumption by a television display. In response, Nel discloses a user interface having at least one user defined media channel where the at least one user defined media channel comprises a sequence of user selected and scheduled media (user may select products from a service provider, such as access to a broadcast channel, for example a movie or documentary programming, and real time accounting and payment may be made for the service p.3-4, 51 and p.4, 53); sequences of user-selected media, and scheduling media by a user (user may select products from a service provider, such as access to a broadcast channel, for example a movie or documentary programming, and real time accounting and payment may be made for the service p.3-4, 51 and p.4, 53); a server software that responds to a request by coordinating delivery of media from at least one server at a second network protocol address (the requested product or service is delivered to the user for viewing on the television screen by way of satellite and Internet communication p.3-4, 51 and

p.4, 53); and delivery of media storage for consumption by a television display (the requested product or service is delivered to the user for viewing on the television screen by way of satellite (p.3-4, 51 and p.4, 53).

The Applicant argues that Nel does not disclose storage in a home, where the storage supports media consumption and has an associated protocol address; a user interface having at least one user defined media channel comprising a sequence of user selected scheduled media; sequences of user-selected media and schedule media; or receiving a request from a first home for delivery to second home for delivery. In response, Nel discloses storage in a home, where the storage supports media consumption and has an associated protocol address (the requested product or service is delivered to the user for viewing on the television screen by way of satellite and Internet communication and a database that supports media consumption and has an associated protocol address p.3-4, 51 and p.4, 53); a user interface having at least one user defined media channel comprising a sequence of user selected scheduled media (media may be in any sequence in which the user chooses); sequences of user-selected media and schedule media (media may be in any sequence in which the user chooses); and receiving a request from a first home for delivery to second home for delivery (the user may be purchasing a service from one home--individual's home or company's home base--for delivery to their home).

The Applicant argues that Nel does not disclose server software receiving requests for media from storage in a first home for delivery to a second home or delivery of media from a storage in a home or from a server. In response, Nel discloses

Art Unit: 3691

disclose server software receiving requests for media from storage in a first home for delivery to a second home (user requests product or service for delivery from a home base of either an individual or company providing the service to their home base) and delivery of media from a storage in a home or from a server (the media is delivered for display on the television through Internet communication and/or satellite).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone

Art Unit: 3691

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lalita M. Hamilton  
Primary Examiner, 3691